

Mbalula

DOSSIER

Request that the international community take punitive action against Fikile Mbalula for alleged corruption.



Request that the international community consider taking punitive action against Fikile Mbalula in relation to allegations of corruption

Fikile Mbalula is the Secretary-General of the African National Congress (ANC), the leading party in South Africa's current coalition government. He served as the Secretary-General of the ANC Youth League (ANCYL, from 1998 to 2004) and was elected President of the ANCYL in 2004, a position he held until 2008. Since then, he has been appointed to several key government positions, including that of Deputy Minister of Police (2009–2010); Minister of Sport and Recreation (2010–2017); Minister of Police (2017–2018) and Minister of Transport (2019–2023).

Mbalula has voiced his anti-Western and anti-United States (US) views on numerous occasions in speeches and in the media, among others by criticising Western sanctions on countries such as Iran and Syria. In the past he has voiced his opposition to Western influence and emphasised the ANC's commitment to opposing Western influence and imperialism. Furthermore, he also advocates for socialist policies, including expropriation without compensation and nationalisation. Section 1 of this dossier includes a summary of various statements made by Mbalula in recent years that, in AfriForum's view, confirm his anti-Western beliefs. These statements include an accusation that was made against the US government of "displaying fascist characteristics and reinforcing outdated racist ideologies." Mbalula also challenged the US to "bring on" sanctions against ANC leaders. On 5 December 2023, less than two months after the 7 October attacks on Israel, Mbalula also held bilateral meetings with Hamas.

Apart from his anti-Western views and beliefs, various allegations and concerns relating to Mbalula have also appeared in the public domain over the years. In particular, AfriForum's Private Prosecution Unit (PPU) is currently pressuring the National Prosecuting Authority (NPA) to prosecute Mbalula in relation to the so-called Dubai holiday scandal.

These and several other matters giving rise to allegations of corruption or other irregular or potentially criminal conduct have been included as part of a discussion document, drafted by advocate Gerrie Nel, head of AfriForum's PPU, as section 2 of this dossier.

Considering Mbalula's alleged involvement in corruption and various other irregularities, and the fact that he has never been prosecuted for them, it appears that the South African Police Service (SAPS) and the NPA lack the capacity and appetite to hold him accountable. The NPA and SAPS seem to be neglecting their duties to the public in this regard. It also appears that Mbalula's political status and affiliations contribute to his continued evasion of prosecution. It also perpetuates the idea that individuals, such as Mbalula, are untouchable and above the law.

Institutions and civil society, including AfriForum, have made various attempts, but have not yet succeeded in holding Mbalula accountable for alleged corruption and other alleged wrongdoing. AfriForum, a South African civil rights organisation with approximately 300 000 members, has been fighting for several years to hold Mbalula accountable.

In the most recent case, AfriForum has now turned to the National Director of Public Prosecutions, Adv. Andy Mothibi, to seek the prosecution of Mbalula on charges of corruption and money laundering in the Dubai holiday scandal. AfriForum has been fighting this fight since 2017, and despite recommendations from the PP that the case be investigated further to determine whether Mbalula was involved in money laundering, the order was ignored. Despite AfriForum laying criminal charges of fraud, money laundering and corruption against Mbalula, the NPA chose not to prosecute him.

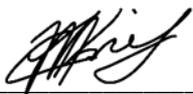
Given the aforementioned, AfriForum is of the view that Mbalula has effectively been rendered untouchable in South Africa. In AfriForum's view, intervention by the international community remains the only means by which people affected by the alleged corruption and failures described above can be helped.

Naturally, every country and international institution employs unique mechanisms and approaches to tackle such issues. This may involve the institution of personal sanctions against Mbalula (which is made possible in the US by the Magnitsky Act), the public condemnation of the conduct alleged against Mbalula, or the application of diplomatic pressure on the South African government to act against Mbalula.

AfriForum hereby makes an official request to the international community, including countries and international institutions, to take action aimed at holding Mbalula accountable in relation to these allegations.

This document also includes the following supporting information to back up AfriForum's urgent request:

- **Section 1:** Mbalula's anti-Western statements and support for authoritarian regimes (pages 1–5)
- **Section 2:** Discussion document to motivate for the application of Magnitsky Act sanctions on Fikile Mbalula by the American authorities (pages 6–13)



Kallie Kriel

CEO: AfriForum

Content

SECTION 1	1
Mbalula’s anti-Western statements and support for authoritarian regimes	1
1. Criticism of Western sanctions	1
2. Criticism against the US.....	2
3. On Russia and China	3
4. On the Israel-Palestinian conflict	4
5. Support for authoritarian regimes.....	4
6. Support for the Islamic Republic of Iran	5
7. Celebration of Fidel Castro and support of Cuba	5
8. Views on white people in South Africa	5
SECTION 2	6
Discussion document to motivate for the application of Magnitsky Act sanctions on Fikile Mbalula by the American authorities	6
1. Purpose of the proposal.....	6
2. Who we are	6
3. What we do	7
4. Motivation	7
5. Who is Fikile Mbalula?	8
6. Dubai “Christmas” holiday	8
6.1 Background	9
6.3 Cash repayment	9
6.4 Investigations	10
6.5 The “loan”	12
6.6 Further processes.....	12
7. Suggested links to the Magnitsky Act	13
8. Conclusion.....	13
SOURCES	14

Abbreviations and acronyms that are used in this document

ANC	African National Congress
ANCYL	African National Congress Youth League
DSO	Directorate of Special Operation
FIC	Financial Intelligence Centre
OFAC	Office of Foreign Assets Control
NPA	National Prosecuting Authority
PP	Public Protector
PPE	personal protective equipment
PPU	Private Prosecution Unit
SAPS	South African Police Service
SDN	(list of) Specially Designated Nationals and Blocked Persons
UK	United Kingdom (of Great Britain and Northern Ireland)
US	United States (of America)

SECTION 1

Mbalula's anti-Western statements and support for authoritarian regimes

Fikile Mbalula, the Secretary-General of the African National Congress (ANC), has consistently articulated an anti-Western worldview through his endorsements of the ANC's foreign policy and ideological framework. This worldview is reflected in his public speeches, social media commentary and official ANC documents.

The resolution of the ANC's 55th National Conference outlines its international relations policy, which is rooted in a strategy of progressive internationalism.¹ Although the ANC publicly identifies itself as a "non-aligned movement", its policy expresses solidarity with what it calls "anti-imperialist and anti-colonial forces". This is a stance that increasingly positions the party in opposition to Western geopolitical interests.² Mbalula often invokes the ANC's anti-imperialist and anti-neocolonial rhetoric to portray Western foreign policy as a contemporary extension of historical oppression.² In line with this worldview, he has also expressed support for socialist policies, asserting that "the case for socialism will never die".³ His position includes advocating for policies like expropriation of property without compensation, and nationalisation. According to Mbalula, "land must be redistributed" because the willing-seller-willing-buyer model "could not produce [the] required results."⁴

Mbalula also strongly criticises Western sanctions, particularly by the US, that are being imposed on countries such as Iran and Syria. Conversely, he continues to maintain close relations with authoritarian regimes.⁵ Under ANC leadership, South Africa has deepened its political and economic ties with Russia and China through BRICS, a move publicly endorsed by Mbalula. This alignment is widely regarded as a strategic shift towards anti-Western ideological positions.

On 22 August 2023, during the 15th BRICS Summit, Mbalula emphasised the ANC's commitment to resisting Western influence and imperialism. He stated: "We need to build stronger, progressive parties in our respective continents as we bulwark against imperialism and its agenda to subjugate our national and regional interests to those of the Western world."⁶

This trajectory became more pronounced when six new countries – including Iran – were invited to join the BRICS group in August 2023, further reinforcing BRICS as a counterweight to Western alliances.⁷ Mbalula also stated in September 2023 that BRICS is shifting "the international balance of power in favour of multilateralism. It is a pursuit of progressive internationalism as an antithesis of the dominant era of a unipolar world characterised by unilateralism."⁸ This alignment is widely viewed as a strategic shift towards anti-Western ideological positions.

In the following section, we elaborate on Mbalula's opposition to Western powers and his alignment with regimes that defy the Western-led order, including his public admiration for communist and authoritarian leaders.⁹

1. Criticism of Western sanctions

- i. In 2022, Mbalula blamed the ongoing socio-economic conditions in Zimbabwe on sanctions that were imposed by the US and the UK, stating that Western nations should not use sanctions "to deepen the pain and the impoverishment" in

Zimbabwe.¹⁰ Mbalula also blamed the UK for the events that occurred in Zimbabwe as the “British had failed to honour what they had promised to Zanu-PF”; therefore, Robert Mugabe had to “embark on a revolution.”¹¹

- ii. At the BRICS Political Parties Dialogue that was held in July 2023, Mbalula reaffirmed the ANC’s support for countries such as Cuba, Zimbabwe, Venezuela, Syria, Nicaragua and Iran. He declared that “we [the ANC] have called for the removal of the unjust embargo” against these and other countries.¹² In August 2023 he stated: “Multilateralism will also be an appropriate arbiter on economic and trade matters as opposed to the unilateral blockades against countries such as Cuba, Zimbabwe, Iran, North Korea and so on.”¹³
- iii. On 3 November 2023, Mbalula labelled sanctions against Cuba as an “unjust and immoral economic blockade imposed by the USA [...] for refusing to surrender their national sovereignty and independence.”¹⁴
- iv. On 11 November 2023, he again criticised Western-imposed sanctions, stating that “[a]s the progressive forces in South Africa, we [the ANC] have continued broad-based mobilisation in solidarity with the People of Palestine and the Saharawi People and have never stopped calling for an end to the economic blockade of Cuba by the USA.”¹⁵

2. Criticism against the US

- i. Mbalula levied stark criticism against Mr Donald Trump, the current US President. In response to a social media post by Julius Malema in 2020, Mbalula responded: “I dont support trump neither am I a fan of american politics. Wexu wexu zi politics we are aloud [allowed] to analyze and sometimes is not all correct.”¹⁶
- ii. In May 2023, US Ambassador Reuben Brigety accused South Africa of supplying arms to Russia after a Russian cargo ship, Lady R, had docked in Simon’s Town in December 2022. Speaking at an event in Cuba, Mbalula stated that the White House should recall Brigety. He stated: “In this regard, the US political strategy has identified Russia and China as the two world powers that need to be contained. This is the ANC conference resolution that made the US ambassador lie about our country.”¹⁷
- iii. In February 2025, Mbalula described the decision by US Secretary of State, Marco Rubio, to decline attending the G20 Summit in South Africa and the announcement thereof on social media, as “shameful”. He accused the US of cowardly diplomacy and publishing “sweeping statements” on social media.¹⁸
- iv. In a February 2025 media interview, Mbalula also accused the US of exploiting Africa for its mineral resources: “America takes a lot from Africa and us and yet they want to dictate terms to us.” He furthermore said that South Africa’s raw materials should assist the country for “beneficiation” and to create independence. According to Mbalula, South Africa “does not deserve to be bullied by the United States of America based on falsehoods”, such as the idea that land is being confiscated.¹⁹
- v. In March 2025, Mbalula also labelled the termination of USAID, the US’ decision not to attend the G20 Summit and its resolve to place South Africa on the watchlist as “a scapegoat for a deeply veiled political agenda with nefarious intent”.²⁰

- vi. Speaking at a conference in Ekurhuleni in March 2025, Mbalula accused the US of “displaying fascist characteristics and reinforcing outdated racist ideologies.” He continued stating that the geopolitical landscape is currently undergoing enormous shifts with the rise of “ultra-right governments, driven by fascist ideologies [...] determined to revive racist tendencies from the past”.²¹ In a media interview at the conference he further stated that “Donald Trump’s interest and actions are nothing else but imperialist aggression undermining the sovereignty of another state.”²²
- vii. In July 2025, he equated steps taken by the US in terms of USAID and potential tariff hikes as “terrorism” by the “mad” President of the US who threatens nations and supports the displacement of Palestinians.²⁰
- viii. In a media briefing following the ANC’s National Executive Committee meeting in August 2025, Mbalula dared the US to “bring on” sanctions against ANC leaders. He reiterated that the ANC and South Africa will not give up on its transformation strategies and “if it means that we’re going to suffer through sanctions as leaders of the ANC, let it be. We will never beg imperialists to subvert our democracy, to subvert our sovereignty.”²³

3. On Russia and China

- i. In April 2023, the ANC sought to push through legislation that would indemnify heads of state from arrest while they are in South Africa. This came after the International Criminal Court (ICC) issued a warrant of arrest for Vladimir Putin, the Russian President, for crimes against humanity.²⁴ Ahead of a planned visit to South Africa, Mbalula stated that the ANC would welcome the President with open arms if he decided to attend the BRICS Summit, which was set to take place in South Africa in August of that year.²⁵
- ii. In February 2024, Mbalula led an ANC delegation to the Forum of Supporters of the Struggle Against Modern Practices of Neocolonialism that was held in Moscow. In his address at the meeting, he declared: “We have been honoured to be invited as the ANC to this profound gathering under the banner of the Forum of Supporters of the Struggle Against Modern Practices of Neocolonialism, which is aimed at ushering the freedom of nations.”²⁶ Greg Mills, the Director of the South African think-tank Brenthurst Foundation, described the event that Mbalula had attended as a “gathering of anti-democratic states seeking to entrench the idea that unelected vote-riggers who run their countries like personal fiefdoms are the best guarantors of freedom.”²⁷ According to *Daily Maverick*, Russian media outlets reported that, Mbalula had told the Forum: “We, South Africa, stand with Russia as our friend and we make no apologies for that [...] We will never abandon you.” He went on to say that South Africa is willing to give up relationships with other countries for the sake of its friendship with Russia.²⁸
- iii. Mbalula actively fostered closer relations with China through various BRICS meetings and engagements. Ahead of the visit of Xi Jinping, Chinese President, to South Africa in 2023, Mbalula told the Xinhua News Agency that the bilateral relations between South Africa and China was “formed by ties of anti-imperialism”²⁹ and “multipolarity that we both believe in and strong ties of economic relationship.”³⁰

- iv. Mbalula also quoted Mao Zedong, the former Chairperson of the Chinese Communist Party, in public – a man who is responsible for the death of an estimated 14 to 20 million people. In a November 2009 article he wrote: “Borrowing from the first chairperson of the Communist Party of China, Mao Tse-Tung, we say: ‘Let a thousand flowers bloom, let a thousand schools of thought contend.’”³¹ This statement by Zedong was later cited widely during the persecution of critics of the Communist Party.

4. On the Israel-Palestinian conflict

- i. Mbalula actively campaigns against Israel and has on numerous occasions expressed his “solidarity” with the people of Palestine. In 2024 he declared that “[w]e [the ANC] have said our government must do everything in its power to make a statement, including the possibility of expelling the ambassador of Israel to South Africa, and the withdrawal of our diplomats posted to Israel.”³² Mbalula has furthermore also called for the isolation of what the ANC deems the “apartheid-state of Israel”.³³
- ii. In March 2025, Mbalula accused the US of shielding Israel from accountability: “The world will not forget that the United States has used its veto power in the United Nations Security Council 48 times over the decades to block any attempts to hold Israel accountable for its illegal actions and violations of international law. Meanwhile, other nations are expected to be held accountable.”³⁴
- iii. At a protest action that was held in November 2023 on the International Day of Solidarity with the Palestinian People, Mbalula addressed the crowd and advocated for the arrest of Benjamin Netanyahu, Prime Minister of Israel, as he is “a war criminal” and “murderer”. Mbalula stated that Netanyahu is a “murderer [...] who is killing children and bombing hospitals and refugee camps.” At the same event Mbalula also called for the shutdown of the Israeli Embassy in Pretoria,³⁵ and labelled the conflict between Israel and Palestine as “not a war, but a genocide of innocent people.”³⁶

5. Support for authoritarian regimes

- i. At a media briefing on 18 October 2023, Mbalula defended Naledi Pandor, then Minister of International Relations and Cooperation, after her contact with Hamas. He stated: “If we want to send things now to Gaza, who are you going to talk to? You must talk to Hamas. She has been insulted left and right, there is nothing wrong with what she is doing.” He further stated: “Hands off our minister [...] as long as she does not compromise the foreign policy of this country [...] She is advancing peace.”³⁷
- ii. On 5 December 2023, an ANC delegation of which Mbalula formed part, held a meeting with Hamas and Fatah at the ANC’s headquarters in Johannesburg.³⁸ The day after the meeting, the ANC issued a media statement, quoting Mbalula as saying: “The meeting underscored the paramount importance of unity among Palestinian organisations, such as the Fatah movement and Hamas, in their collective struggle against occupation and for self-determination.”³⁹

6. Support for the Islamic Republic of Iran

- i. On 20 July 2023, Mbalula met with the Secretary-General of the Islamic Coalition Party (ICP) from Iran, where he reaffirmed the ANC's commitment to campaign against the "economic blockade and illegal sanction" that are being imposed on Iran.⁴⁰
- ii. On 6 September 2024, Mbalula met with Shakib Mehr, the Ambassador of the Islamic Republic of Iran to South Africa. The meeting focused on building relations between South Africa and Iran.⁴¹

7. Celebration of Fidel Castro and support of Cuba

- i. On the first day of the seventh Africa-Cuba Solidarity Conference, held in January 2024 in South Africa, Mbalula reaffirmed the ANC's support for Cuba with the following post made on X: "South Africa reaffirms its support for Cuba, celebrating a friendship rooted in mutual respect and shared aspirations."⁴²
- ii. In November 2024 Mbalula stated on X that "[w]e remain forever inspired by his [Fidel Castro's] fearless, radical and revolutionary struggle against the brutal system of capitalism. He bravely fought and defeated capitalism all his life, selflessly sacrificing his entire existence for the liberation of the People of Cuba and dedicating himself to making the principles & values of the revolutionary movement entrenched as a way of life throughout all of Cuba."⁴³

8. Views on white people in South Africa

- i. When referring to the Afrikaner refugees to the US, Mbalula told members of the media in August 2025 that within a week of the refugees' landing in the US "they [the Afrikaner refugees] started killing each other". He continued that killing is typical of white South Africans: "This is what they do here. Killing each other over something. They are in courts, killing our people [...] killing blacks here in our country".²⁴

SECTION 2

Discussion document to motivate for the application of Magnitsky Act sanctions on Fikile Mbalula by the American authorities

Compiled by Adv. Gerrie Nel, Head of AfriForum's Private Prosecutions Unit

AfriForum's Private Prosecution Unit is unwavering in its belief in the rule of law and recognises that the scourge of crime, particularly corruption and gender-based violence, will never be eradicated unless everyone is treated equally by the criminal justice system.

A properly functioning National Prosecuting Authority (NPA) that prosecutes competently and without fear, favour or prejudice is essential; however, reality has set in, and the tendency to selectively prosecute is more prevalent than ever.

This report proposes an alternative approach in response to the governments, specifically the NPA's failure to prosecute corruption effectively. Importantly, it highlights the troubling presence of individuals implicated in corrupt practices within the structures that shape and enforce policies affecting law-abiding citizens. We aim to foster accountability and integrity in governance through this proposal. This report proposes an alternative approach to the government's, and specifically the NPA's, failure to effectively prosecute corruption when it comes to certain political individuals like, in this case, Mr Fikile Mbalula.

1. Purpose of the proposal

This document serves as a motivational introduction seeking to support a call for the US Authorities to consider sanctioning Mr Fikile April Mbalula in terms of the provisions of the Global Magnitsky Act, for his alleged corrupt activities which the South African Police Service (SAPS) and NPA appear inept at addressing. We submit that the NPA and SAPS have failed in their constitutional obligations to the law-abiding citizenry of the Republic of South Africa. The reason for this is, to our mind, the political status of the individual.

We do not propose to have a full grasp of the law pertaining to the Magnitsky Act, but are overly impressed with the success of the application thereof to deter human rights abuses and significant acts of corruption by focusing on individuals and not the pro-Western elements of government and society.

As prosecutors and investigators, we have experienced and witnessed an intentionally fashioned strategy of selective prosecution and, more so, the sheltering from prosecution of prominent powerful South African politicians and enablers.

2. Who we are

AfriForum created the Private Prosecution Unit (PPU) in February 2017 to consider private prosecution of those sheltered from prosecution due to their political or societal connections and status.

The PPU was established with the sole focus of creating a capacity to develop the law pertaining to private prosecution and to ensure that the principle of equality is re-established in South African Criminal Law.

We established a unit with three seasoned prosecutors (former public prosecutors), an attorney (a former public defender) and seven experienced detectives (former members of the SAPS and the disbanded Directorate of Special Operations (DSO)).

The unit's independence and non-political alignment is recognised and respected by society, and its clients reflect South Africa's diverse demographics.

3. What we do

Although able to further augment the unit's work, we pride ourselves on two successful private prosecutions, and a few other legal matters in different stages of finalisation. However, more importantly, we succeeded in compelling the NPA to reverse their irrational decisions in numerous matters, where we exposed their perceived failure to exercise its mandate without fear, favour or prejudice.

Despite being a member-based and -supported non-governmental organisation with limited resources, we act pro bono and are committed to developing the legal framework for private prosecution. Our mission is to empower crime victims when state authorities fail to carry out their prosecutorial responsibilities. We hope to bridge the justice gap by providing essential legal support and advocacy, and we work to establish a viable pathway for private prosecution as a means of holding offenders accountable.

We have embarked on a focus on corruption for 2025 and are working on corruption matters that involve well-known politicians who have been irrationally sheltered from prosecution.

Understanding that if corruption flourishes, sustainable development and economic growth are stunted, and the stability and security of society are put at risk, we focus on extending the law to ensure that society is given the right to privately prosecute those who are shielded from prosecution by the failures of the criminal justice system.

4. Motivation

In South African law, the right to institute a private prosecution can only follow once the state has refused to institute criminal prosecution, and then if the victim of the alleged crime can show a substantial and peculiar interest in the offence that was committed.

Corruption is not currently recognised as an offence in which an individual holds such a substantial and peculiar interest. We believe the status quo must be developed in law as a crime in which every citizen is recognised as having such an interest in seeking prosecution, as corruption, we submit, does affect every citizen. The matters to be discussed below present an opportunity to develop the law and allow society to prosecute matters of corruption where the prosecution service fails to do so in an irrational manner.

We do not have a political focus and readily admit to our lack of experience and interest in political issues. We support the rule of law, however, and are alive to political manoeuvring to deter detection of or prosecution for criminal conduct.

It is our understanding that the administration and enforcement of sanctions in terms of the Magnitsky Act are delegated to the Office of Foreign Assets Control (OFAC) and that individuals are included in the Specially Designated Nationals and Blocked Persons (SDN) list that is maintained by OFAC. Our understanding is that inclusion in the list occurs after an administrative investigatory process in which the implicated individuals have very limited opportunity to intervene in order to avoid sanction.

We reiterate that our mission is to empower crime victims when state authorities fail to carry out their prosecutorial responsibilities and hope to bridge the justice gap by providing essential legal support and advocacy and work to establish a viable pathway for private prosecution as a means of holding offenders accountable.

In pursuance of our focus on corruption for 2025, we identified the allegations of corruption and other criminal activities that were levelled against Mr Mbalula as concerning, and we respectfully submit meritorious information for consideration of the purposes of the Magnitsky Act.

We reiterate our acceptance that the OFAC process is not a criminal investigation or prosecution where the onus of proof is that of beyond reasonable doubt.

5. Who is Fikile Mbalula?

Mr Fikile April Mbalula is a prominent South African politician and the current Secretary-General of the African National Congress (ANC), a position he has held since December 2022. He was born on 8 April 1971, in Botshabelo in the Free State, a province in the Republic of South Africa. Mr Mbalula began his political activism in the 1980s by participating in youth movements during the apartheid era. He rose through the ranks of the ANC Youth League (ANCYL), eventually serving as its President from 2004 to 2008.

Throughout his career, Mr Mbalula has held several key government positions:

- Deputy Minister of Police (2009–2010)
- Minister of Sport and Recreation (2010–2017)
- Minister of Police (2017–2018)
- Minister of Transport (2019–2023)

We reiterate that we do not propose having a full grasp of the law pertaining to the Magnitsky Act.

We submit that this document will again highlight an intentionally crafted strategy of selective prosecution, or rather – in this instance – the sheltering of Mr Mbalula from prosecution and proficient police investigation because at the time he was the Minister of Sport and Recreation and now holds the most influential position within the ANC, namely that of the Secretary-General. These positions seemingly made him untouchable.

Again, we will focus on the failure of the criminal justice system in South Africa as motivation to address Mr Mbalula's alleged corrupt and criminal activities, and who inevitably also actively supports the current political and especially foreign affairs policy of South Africa.

6. Dubai “Christmas” holiday

Although an image was created that Mr Mbalula was untouchable, the general public refused to accept it, and a “whistleblower” exposed clinical details of an apparent corrupt relationship

between Mr Mbalula and a government service provider. This prompted the authorities to call for an investigation by the PP.

Notably, Adv. Busisiwe Mkhwebane, the PP, found Mr Mbalula to have violated the Code of Ethics for Members of the Executive for his role in his “Christmas trip” to Dubai in 2016. The PP forwarded her investigation and findings to the National Director for Public Prosecutions for possible prosecution. Predictably, the NPA took no steps to adhere to the PP's prescribed remedial action, instead deciding to “...decline to prosecute... as there is no evidence supporting allegations of criminal activity...”⁴⁴

Ms Monique Taute filed the complaint with the Public Protector's Office on behalf of AfriForum on 9 October 2017, requesting that the office investigate allegations against Mbalula that had been publicly reported and made available in the media. Sedgars Sport, a sporting goods company, was reported to have funded Mbalula's family holiday in Dubai in December 2016.

In summary, the available facts show that Mr Yusuf Dockrat, a director of Sedgars Sport, an entity that did business as a service provider to the South African Sports Confederation and Olympic Committee, paid R300 000 towards the cost of the trip, with the remaining R384 620,39 paid in cash, the origin of which is unknown. It has been confirmed that the cash payments had not been made from Mbalula's or his wife's accounts.

6.1 Background

Mr Mbalula, then still Minister of Sport and Recreation, took his family on a holiday to Dubai in December 2016. It is alleged and accepted as a common cause that Mbalula undertook the trip knowing he could not afford to pay for it. S & J Bayliss, trading as Munlin Travel handled all of the arrangements, bookings and payments. Mr Mbalula was referred to Munlin Travel by Mr Siweya, who made the initial reservations. It is the same Mr Siweya as mentioned in paragraph 8.1. A cost quotation was emailed to Mrs Mbalula's email address.

It is a fact that Mr Mbalula made no payments before leaving for Dubai.

In February 2017 Mr Mbalula was under pressure from Munlin Travel, to find resources to settle the outstanding bill of R684 620,39. Mr Dockrat paid R300 000 towards the final bill of R684 620,39 during February 2017.

6.2 Cash repayment

As discussed earlier, Mr Yusuf Dockrat arranged for a payment of R300 000 from the bank account of Reimon Uniforms, a closed corporation that is linked to the Dockrat's group of companies.

Curiously, an amount R150 000 in cash was hand delivered by a Mr Lejaka, an official in the Department of Sport and Recreation, to the premises of Munlin Travel on 3 February 2017. In 2019, Mr Mbalula appointed Mr Lejaka as the Chief Executive Officer of Boxing SA.

On 6 February 2017, Mr Zunisani Mazo, Mr Lejaka's secretary, made two cash deposits of R75 000 into the account of Munlin Travel. Intriguingly, these deposits were made at two different banks that are located within kilometres of one another.

The origin of the cash is unknown, but according to the accepted allegation, the cash amounts did not come from any of Mr Mbalula's accounts.

During March 2017, a further cash deposit of R85 000 was deposited into the account of a debt collector, Mr Stephen van Graan. The origin of the R85 000 is also unknown, but it is accepted that it did not emanate from the accounts of Mr Mbalula or his wife.

6.3 Investigations

On 9 October 2017 Ms Monique Taute on behalf of AfriForum submitted a request to the Office of the PP to investigate the allegations of corruption against Mr Mbalula.

On 19 December 2018, Busisiwe Mkhwebane, the Public Protector, released a report with her findings after an investigation. One of her remedial actions prescribed that the National Director of Public Prosecutions must: “[i]nvestigate whether the funds used to pay for Mr Mbalula’s trip were not proceeds of money laundering with a view to prosecuting anyone who may have been involved in criminal activities in respect of the arrangements and funding for Mr Mbalula’s holiday trip to Dubai during the period of 28 December 2016 to 3 January 2017.”

It has been our view from the start that the appropriate investigation should have been one of corruption, because Mr Mbalula received a benefit from a service provider to the Department of Sport and Recreation, of which he was the political head.

The prescribed remedial action was predictably ignored, and Ms Taute had to approach the SAPS in August 2019 to file an official criminal complaint of fraud, corruption and money laundering.

On 3 August 2023 a document entitled *Status of the investigation: Brooklyn CAS 158/08/2019* was delivered to the complainant (Ms Taute) by Colonel Humbulani. The document indicated that the prosecuting authority declined to prosecute on 23 August 2023 because “[t]here is no evidence supporting allegation of criminality and or criminal activity against Mr Fikile Mbalula.”

We exercised our right in terms of the Promotion to Access to Information Act 2 of 2000 and procured a copy of the original police investigation dossier.

In this particular matter we are in the process of drafting comprehensive representations to the NPA indicating that the decision not to prosecute Mbalula is irrational and a further indication of selective prosecution.

We have publicly identified our commitment to privately prosecute this matter should the NPA not change its decision to not prosecute.

In essence, our representation is based on the prosecutor’s lack of insight into the elements of corruption, which leads to the conclusion that the prosecutor was contending with either selective prosecution or downright incompetence by the SAPS to proficiently investigate the alleged crime against our client’s complaint, which was levelled against the Minister of Sport and Recreation.

Mr Mbalula’s apparent defence that it was a loan and the acceptance by the NPA that the “loan” exonerates Mr Mbalula is most peculiar as a “loan” in these circumstances is specifically defined as an undue benefit which meets the criteria for a charge of corruption as defined in the Prevention and Combatting of Corrupt Activities Act 12 of 2004.

The police case dossier provides evidence of factual detail as follows:

6.3.1 Details regarding the allegations

During an interview with the investigating officer, Mr Lejaka explained that he had known Mbalula since 2001, that he was Mr Mbalula's Chief of Staff when Mr Mbalula was the Minister of Police and that he was the Chief Director of Corporate Services when Mr Mbalula was the Minister of Sport and Recreation. He confirmed delivering the R150 000 cash to the offices on Munlin Travel.

Mr Mazo (at that stage Mr Lejaka's secretary) stated in his interview with the investigating officer that he had received the R150 000 cash that he had deposited on 6 February 2017 from Mr Lejaka.

The source of the R300 000 cash remains a mystery, as Colonel Kgalapa stated in an affidavit that she was unable to trace any bank accounts for Mr Lejaka. Mr Lejaka is a government employee and receives a monthly salary captured on the Government's Persal system. Inexplicably, no effort was seemingly made to obtain his banking details from Persal or the Financial Intelligence Centre (FIC).

We could find no evidence in the SAPS case dossier that Mr Lejaka was profiled or that the assistance of the FIC was requested to identify Mr Lejaka's bank accounts or establish the origins of the R385 000 cash amounts.

This failure we submit can only be explained as a step in furtherance of a concerted, accepted and wilful sheltering of Mr Mbalula from prosecution. We submit that, although the investigation into the source of the cash was wilfully insufficient, it at least established that it did not come from Mr Mbalula or his wife's bank accounts.

To recover the outstanding amount of R79 105,94, Ms Baylis appointed a debt collector to recover the money. It has been confirmed that R85 000 cash was deposited into the account of the debt collector. Unsurprisingly, the investigating officer failed to investigate the origin of this cash amount.

As a member of Parliament and a member of the Cabinet, Mr Mbalula did not disclose, as was required, any of these funds paid to Munlin Travel on his behalf and neither did he declare it as gifts, hospitality or a loan to the Register of Member's interest, as required in law by the Executive Ethics Code. We presume that the allegation would be that Mr Mbalula borrowed the money from Sedgars and perhaps others. He could however not declare the loan as it would have publicly been identified as a benefit received from a service provider and an admission to corruption.

The media reported in October 2017 that Sedgars paid for the holiday of Mr Mbalula. And he responded on 9 October 2017, without providing any detail that **his family was responsible for financing the trip with funds from family resources.**

On 9 and 10 October 2017 Mr Mbalula made payments of R200 000 and R75 000 respectively from his account to Reimon Unifoms CC. A final payment of R35 000 was made on 31 October 2017.

It is important to note that Sedgars and or Reimon Uniforms were not in the business of providing loans to the public.

6.4 The “loan”

Reimon Uniform’s bank account indicates that, was it not for an undisclosed transfer of R300 000 on 24 February 2017, it would not have been able to make the R300 000 (Mr Mbalula’s loan) transfer to Munlin Travel. The origin of the 24 February 2017 transfer was not investigated.

Initially Mr Yusuf Dockrat, in October 2017, denied to the media that a payment was made and was quoted: “... has never made any payments as alleged.”

Mr Dockrat gave, according to our analysis, a different version to the PP and corroborated Mr Mbalula’s “second” version of a loan.

According to Mr Mbalula’s attorneys, ENS Africa, the loan agreement was concluded in December 2016. The only reasonable inference is that this “loan agreement” was not in writing and that no formal authority or financial documents and entries into the books of the company were made. More pertinently, it contradicts Mr Mbalula’s version about the loan and that it served as bridging finance.

Mr Mbalula told the PP that, after they had returned from Dubai, the proceeds from a property sale were not available and he resorted to asking Dockrat for a loan. Mr Mbalula considered the loan as bridging finance because the funds were required for the vacation, and he planned to repay the loan on receipt of the funds that he was expecting. He provided Dockrat with the account details of Munlin Travel.

Even this version, we submit, cannot escape a finding of corruption for having received an undue benefit.

On 29 September 2017 R220 000 was paid to Mr Mbalula’s Nedbank Limited bank account by Mr Sello Rasethaba from his company Bubesi. We have to mention that Mr Rasethaba’s wife is currently a Deputy National Director of Public Prosecutions (appointed on 1 June 2020), where she oversees the entire Asset Forfeiture Unit’s critical role in fighting corruption and organised crime. On 11 October, a further R80 000 was transferred from the same account by Mr Rasethaba to the account of Mbalula.

Mr Mbalula in turn paid over R200 000 to Reimon Uniforms on 9 October 2017 and a further R75 000 on 11 October 2017.

The allegations we submit are unquestionably that Mr Mbalula did not in any way pay for this holiday from his own funds before he left the shores of South Africa. He was unable to settle his debt upon his return and when implored to do so, we submit that, based on the available information, he was unable to pay back the “loan” from Reimon Uniforms CC.

6.5 Further processes

SAPS investigations were completed and as part of the dossier we discovered a draft charge sheet in the copy of the case dossier supplied to us in terms of PAIA. This draft charge sheet was drawn up by a very senior commercial crimes state prosecutor employed by the NPA, who was assigned to prosecute this matter. In this draft charge sheet, it is evident that this senior state advocate formulated seven counts of corruption and one count of fraud against Mr Mbalula. We emphasise that Mr Mbalula never appeared in court and was never prosecuted.⁴⁵

The scope and extent of the exposed facts in this investigation is no better encapsulated than that of the contents of the PP's report.⁴⁶

We are in the process of drafting a comprehensive representation to persuade the NPA that the decision not to prosecute is irrational and it is a continuation of the protection of politically connected people from prosecution.

The Directorate for Priority Crime Investigative Unit of SAPS, commonly referred to as the Hawks, specifically mandated to investigate serious fraud, corruption and organised crime, has taken years to compile and finalise the investigations. This, we submit, was done in the hope that interest will wane and that no further processes would follow.

As indicated earlier, we intend to make application to privately prosecute Mr Mbalula. To this end we will have to develop the law to allow for private prosecution on charges of corruption.

7. Suggested links to the Magnitsky Act

We argue that this document refers to allegations, reported facts and findings which, in our view, may fall within the following criteria as possible grounds for the invocation of the Magnitsky Act, namely:

1. Illicit enrichment of individuals
2. Misuse of public funds for private gain
3. Bribery and kickbacks
4. Money laundering
5. Senior/influential minister in parliament
6. Corruption

8. Conclusion

Our approach has been informed by the sentiments expressed in the *2024 Global Magnitsky Human Rights Accountability Act Annual Report*, in which it is stated that the American Administration “will take special aim at countering corruption, which corrodes democracy from the inside, erodes government stability, impedes economic development, and is increasingly weaponized by authoritarian states to undermine democratic institutions.”⁴⁷

SOURCES

- ¹ ANC. 2022. *ANC 55th National Conference Resolutions: International Relations*. Available at <https://www.anc1912.org.za/wp-content/uploads/2023/02/ANC-55th-Conference-Resolutions-INTERNATIONAL-RELATIONS.pdf>. Accessed on 15 July 2025.
- ² *Id.*, p. 3
- ³ Dlamini, P. 2018. There is a case for socialism in SA: Mbalula. *TimesLIVE*, 10 April. Available at <https://www.timeslive.co.za/politics/2018-04-10-there-is-a-case-for-socialism-in-sa-mbalula/>. Accessed on 15 July 2025.
- ⁴ News24. 2012. *Mbalula: Talk about nationalisation*. 23 June. Available at <https://www.news24.com/mbalula-talk-about-nationalisation-20120623>. Accessed on 15 July 2025.
- ⁵ News24. 2022. *ANC calls EU sanctions on Russia “draconian”*. 5 March. Available at <https://www.news24.com/anc-calls-eu-sanctions-on-russia-draconian-20220305>. Accessed on 15 July 2025.
- ⁶ Mbalula, F. [X]. 21 August 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1693925898028769393>.
- ⁷ *The Iran Primer*. 2023. Iran to Join the BRICS Alliance. 24 August. Available at <https://iranprimer.usip.org/blog/2023/aug/24/iran-join-brics-alliance>. Accessed on 15 July 2025.
- ⁸ Mbalula, F. [X]. 1 September 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1697566273398247514>.
- ⁹ Mbalula, F. 2023. *Revolutionary greetings!* Opening session of the ANC Youth League National Congress in Johannesburg on 1 July. Available at <https://www.anc1912.org.za/opening-address-by-comrade-fikile-mbalula/>. Accessed on 15 July 2025.
- ¹⁰ Maromo, J. 2022. *ANC does not support idea of regime change in Zimbabwe, says Fikile Mbalula*. IOL, 20 December. Available at <https://iol.co.za/news/south-africa/2022-12-20-anc-does-not-support-idea-of-regime-change-in-zimbabwe-says-fikile-mbalula/>. Accessed on 15 July 2025.
- ¹¹ Dlamini, P. 2018. There is a case for socialism in SA: Mbalula. *TimesLIVE*, 10 April. Available at <https://www.timeslive.co.za/politics/2018-04-10-there-is-a-case-for-socialism-in-sa-mbalula/>. Accessed on 15 July 2025.
- ¹² Mbalula, F. [X]. 20 July 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1681995201563197441>.
- ¹³ Koko, K. 2023. *BRICS summit: Cyril Ramaphosa backs China’s new financial order plans*. News24, 19 August. Available at <https://www.news24.com/politics/brics-summit-cyril-ramaphosa-backs-chinas-new-financial-order-plans-20230819>. Accessed on 15 July 2025.
- ¹⁴ Mbalula, F. [X]. 3 November 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1720388908502904965>.
- ¹⁵ Mbalula, F. [X]. 11 November 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1723286469261905995>.
- ¹⁶ Mbalula, F. [X]. 8 November 2020. Available at @MbalulaFikile, <https://x.com/mbalulafikile/status/1325356002573750273>.
- ¹⁷ Shiko, C. 2023. *Mbalula wants US ambassador ‘gone’ over weapons claims*. Jacaranda FM, 23 August. Available at <https://www.jacarandafm.com/news/news/mbalula-wants-us-ambassador-gone-over-weapons-claims/>. Accessed on 15 July 2025.
- ¹⁸ Nkadimeng, I. 2025. “It’s shameful”: Mbalula slams US Secretary of State Rubio over G20 snub. *TimesLIVE*, 7 February. Available at <https://www.timeslive.co.za/politics/2025-02-07-its-shameful-mbalula-slams-us-secretary-of-state-rubio-over-g20-snub/>. Accessed on 15 July 2025.
- ¹⁹ Radio Islam International. 2025. *#SONA2025 Fikile Mbalula says that “Trump is a madman”* [YouTube video]. 6 February, at 00:03:16. Available at <https://www.youtube.com/watch?v=A-BFWY4JCW0>. Accessed on 15 July 2025.
- ²⁰ Mbalula, F. 2025. Trump’s actions against South Africa part of a deeply veiled political agenda with nefarious intent. *Daily Maverick*, 19 March. Available at <https://www.dailymaverick.co.za/opinionista/2025-03-19-trumps-actions-against-sa-part-of-a-deeply-veiled-political-agenda-with-nefarious-intent/>. Accessed on 15 July 2025.
- ²¹ Mokgobu, A. 2025. *Mbalula accuses US of hypocrisy, warns of right-wing rise*. Jacaranda FM, 26 March. Available at <https://www.jacarandafm.com/news/news/mbalula-accuses-us-hypocrisy-warns-right-wing-rise/>. Accessed on 31 March 2025.

- ²² Westerdale, J. 2025. Trump's stance on diplomacy a show of "imperialist aggression" – Mbalula. *The Citizen*, 26 March. Available at <https://www.citizen.co.za/news/south-africa/politics/trumps-diplomacy-imperialist-aggression-mbalula/>. Accessed on 31 August 2025.
- ²³ SABC News. 2025. *Fikile Mbalula briefs the media on the outcomes of the ANC NEC meeting* [YouTube video]. 6 August, 00:41:34. Available at <https://www.youtube.com/watch?v=y-6PRAvNWQA&t=2700s>. Accessed on 31 August 2025.
- ²⁴ Masungwini, N., Boonzaaier, D. & Tabane, R. 2023. *The ANC's Putin-ICC dilemma*. News24, 30 April. Available at <https://www.news24.com/citypress/politics/the-ancs-putin-icc-hot-potato-20230430>. Accessed on 15 July 2025.
- ²⁵ Masungwini, N. 2023. *ANC will welcome Putin with open arms, insists Mbalula*. News24, 31 May. Available at <https://www.news24.com/citypress/politics/anc-will-welcome-putin-with-open-arms-insists-mbalula-20230531>. Accessed on 15 July 2025.
- ²⁶ Taylor, D. 2024. Putin forms alliance against "Western imperialism". *The Epoch Times*, 21 February. Available at <https://www.theepochtimes.com/world/putin-forms-alliance-against-so-called-western-imperialism-5591302>. Accessed on 15 July 2025.
- ²⁷ Taylor, D. 2024. Putin forms alliance against "Western imperialism". *The Epoch Times*, 21 February. Available at <https://www.theepochtimes.com/world/putin-forms-alliance-against-so-called-western-imperialism-5591302>. Accessed on 15 July 2025.
- ²⁸ Fabricius, P. 2024. To Russia with love and hopeless devotion, from Fikile Mbalula and the ANC. *Daily Maverick*, 22 February. Available at <https://www.dailymaverick.co.za/article/2024-02-22-to-russia-with-love-and-hopeless-devotion-from-fikile-mbalula-and-the-anc/>. Accessed on 31 August 2025.
- ²⁹ Xinhua News Agency. 2023. *China, S. Africa set to strengthen ties, amplifying Global South voices*. 23 August. Available at <https://eng.yidaiyilu.gov.cn/p/01UUH1Jl.html>. Accessed on 15 July 2025.
- ³⁰ Apofeed. 2023. President Xi's visit cements China-South Africa ties in "golden era", BRICS' appeal to Global South. *African Business*, 22 August. Available at <https://african.business/2023/08/apo-newsfeed/president-xis-visit-cements-china-south-africa-ties-in-golden-era-brics-appeal-to-global-south>. Accessed on 31 August 2025.
- ³¹ Van Onselen, G. 2009. *The monstrous history of the ANC's favourite quote*. Politicsweb, 26 November. Available at <https://www.politicsweb.co.za/news-and-analysis/the-monstrous-history-of-the-ancs-favourite-quote>. Accessed on 15 July 2025.
- ³² Mbalula, F. [X]. 9 November 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1722551638412366186>.
- ³³ Mbalula, F. [X]. 9 May 2024. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1788653588660572633>.
- ³⁴ Moichela, K. 2025. *"Hypocrisy": ANC's Fikile Mbalula slams US for double standards on human rights*. IOL, 27 March. Available at <https://www.iol.co.za/news/politics/2025-03-27-hypocrisy-ancs-fikile-mbalula-slams-us-for-double-standards-on-human-rights/>. Accessed on 15 July 2025.
- ³⁵ Moichela, K. 2023. *Look: Political parties, unions and civil organisations gather globally for International Day of Solidarity with the Palestinian People*. IOL, 29 November. Available at <https://iol.co.za/news/politics/2023-11-29-look-political-parties-unions-and-civil-organisations-gather-globally-for-international-day-of-solidarity-with-the-palestinian-people/>. Accessed on 31 August 2025.
- ³⁶ Kgosana, R. 2023. Ramaphosa should "hurry up and shut" Israeli embassy, Mbalula tells pro-Palestine protest. *TimesLIVE*, 11 November. Available at <https://www.timeslive.co.za/politics/2023-11-11-ramaphosa-should-hurry-up-and-shut-israeli-embassy-mbalula-tells-pro-palestine-protest/>. Accessed on 31 August 2025.
- ³⁷ Tandwa, L. 2023. ANC reacts to Hamas backlash: Hands off Naledi Pandor. *Mail & Guardian*, 18 October. Available at <https://mg.co.za/politics/2023-10-18-hands-off-naledi-pandor-anc-reacts-to-hamas-backlash>. Accessed on 15 July 2025.
- ³⁸ Mbalula, F. [X]. 5 December 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1732065056702317030>.
- ³⁹ ANC. 2023. *Statement by ANC Secretary General, Comrade Fikile Mbalula, on the latest Political Developments*. 6 December. Available at <https://www.anc1912.org.za/statement-by-anc-secretary-general-comrade-fikile-mbalula-on-the-latest-political-developments/>. Accessed on 31 August 2025.
- ⁴⁰ Mbalula, F. [X]. 20 July 2023. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1682002005290635265>.
- ⁴¹ Mbalula, F. [X]. 6 September 2024. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1832069946597093869>.
- ⁴² Mbalula, F. [X]. 15 January 2024. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1746925244130984330>.

- ⁴³ Mbalula, F. [X]. 12 August 2024. Available at @MbalulaFikile, <https://x.com/MbalulaFikile/status/1823261050382557634>.
- ⁴⁴ TimesLIVE. 2023. NPA finds no evidence of wrongdoing over Mbalula's family holiday in Dubai. *Business Day*, 2 August. Available at <https://www.businessday.co.za/bd/national/2023-08-02-npa-finds-no-evidence-of-wrongdoing-over-mbalulas-family-holiday-in-dubai/>. Accessed on 28 October 2025.
- ⁴⁵ See attached Annexure A.
- ⁴⁶ Public Protector South Africa. 2018. *What is a conflict of interest?* Available at https://www.pprotect.org/sites/default/files/legislation_report/REPORT%20OF%20THE%20PP%20MR%20FIKILE%20MBALULA_0.pdf. Accessed on 23 October 2025.
- ⁴⁷ US State Department. 2024. *Global Magnitsky Human Rights Accountability Act Annual Report*. Public notice 12335. Available at <https://www.federalregister.gov/documents/2024/02/23/2024-03532/global-magnitsky-human-rights-accountability-act-annual-report>. Accessed on 23 October 2025, p. 13795.